

EMPLOYER-EMPLOYEE RELATIONS POLICY

A RESOLUTION OF THE EAST BAY MUNICIPAL UTILITY DISTRICT PERTAINING TO EMPLOYER-EMPLOYEE RELATIONS

NUMBER 1
EFFECTIVE 3/13/73
REPLACES

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HISTORY OF EMPLOYER-EMPLOYEE RELATIONS POLICY

Original Policy Adopted - 7/8/69 by Resolution #24850

**1st Amendment - Section 16, Dues Check-off
Resolution No. 25446, 11/10/70**

**2nd Amendment - Section 11g, Classification Changes
Resolution No. 26395, 3/13/73**

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SECTION 1. TITLE OF RESOLUTION

This Resolution shall be known as the **EMPLOYER-EMPLOYEE RELATIONS RESOLUTION OF THE EAST BAY MUNICIPAL UTILITY DISTRICT.**

SECTION 2. STATEMENT OF PURPOSE

The purpose of this Resolution is to implement Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500, et seq.) captioned **PUBLIC EMPLOYEE ORGANIZATIONS** by providing orderly procedures for the administration of employer-employee relations between the District and its employee organizations and for resolving disputes regarding wages, hours and other terms and conditions of employment.

SECTION 3. DEFINITIONS

As used in this Resolution the following terms shall have the meanings indicated:

- (A) **APPROPRIATE UNIT** means a unit established pursuant to Section 10 of this Resolution.
- (B) **DISTRICT** means the East Bay Municipal Utility District, and where appropriate herein, "District" refers to the Board of Directors, the governing body of said District, the General Manager or any duly authorized management employee as herein defined.
- (C) **CONSULT OR CONSULTATION IN GOOD FAITH** means to communicate verbally or in writing for the purpose of presenting and obtaining views or advising of intended actions.
- (D) **EMPLOYEE** means any person regularly employed full time by the District except those persons elected by popular vote.
- (E) **EMPLOYEE, CONFIDENTIAL** means an employee who is privy to decisions of District management affecting employer-employee relations.
- (F) **EMPLOYEE, MANAGEMENT** means any employee having significant responsibilities for formulating and administering District policies and programs, including but not limited to the General Manager and department heads.
- (G) **EMPLOYEE, PROFESSIONAL** means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including but not limited to attorneys, physicians, registered nurses, engineers, architects, teachers and various types of physical, chemical and biological scientists.
- (H) **EMPLOYEE, SUPERVISORY** means any employee having authority to exercise independent judgment to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward or discipline other employees, or having the responsibility to direct them or to adjust their grievances, or to effectively recommend such action if in connection with the foregoing, the exercise of such authority is not merely of a routine or clerical nature, but requires the use of independent judgment.

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- (I) EMPLOYEE ORGANIZATION means any organization which includes employees of the District and which has as one of its primary purposes representing such employees in their employment relations with the District.
- (J) EMPLOYER-EMPLOYEE RELATIONS means the relationship between the District and its employees and their employee organization or, when used in a general sense, the relationship between District management and employees or employee organizations.
- (K) GENERAL MANAGER means the District General Manager appointed pursuant to the Municipal Utility District Act or his duly authorized representative.
- (L) GRIEVANCE means this term as defined in Section 15.
- (M) IMPASSE means (1) a deadlock in the annual (or periodic) discussions between a majority representative and the District over any matters concerning which they are required to meet and confer in good faith, or over the scope of such subject matter, or (2) any unresolved complaint by an affected employee organization, advanced in good faith, concerning a decision of the General Manager made pursuant to Sections 9, 10, 11 or 12 of this Resolution.
- (N) MAJORITY REPRESENTATIVE means an employee organization or its duly authorized representative that has been granted formal recognition by the General Manager as representing the majority of employees in an appropriate unit.
- (O) MEDIATION OR CONCILIATION means the efforts of an impartial third person or persons, functioning as intermediaries, to assist the parties in reaching a voluntary resolution to an impasse, through interpretation, suggestion and advice. Mediation and conciliation are interchangeable terms.
- (P) MEET AND CONFER IN GOOD FAITH (sometimes referred to herein as "meet and confer" or "meeting and conferring") means performance by duly authorized District representatives and duly authorized representatives of an employee organization recognized as the majority representative of their mutual obligation to meet at reasonable times and to confer in good faith regarding matters within the scope of representation including wages, hours and other terms and conditions of employment, in an effort to (1) reach agreement on those matters within the authority of such representatives and (2) reach agreement on what will be recommended to the Board of Directors on those matters within the decision-making authority of the Board of Directors. This does not require either party to agree to a proposal or to make a concession.
- (Q) MUNICIPAL UTILITY DISTRICT ACT means the Municipal Utility District Act of the State of California as codified by the Public Utilities Code of the State of California, Chapter 764, Statutes 1951, as thereafter amended.
- (R) RECOGNIZED EMPLOYEE ORGANIZATIONS means an employee organization which has been acknowledged by the General Manager as

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an employee organization that represents employees of the District. The rights accompanying recognition are either (1) Formal Recognition which is the right to meet and confer in good faith as the majority representative in an appropriate unit, or (2) Informal Recognition which is the right to consultation in good faith by all recognized employee organizations.

- (S) RESOLUTION means this Resolution as referred to in Section 1 unless the context indicates otherwise.
- (T) SCOPE OF REPRESENTATION means all matters relating to employment conditions and employer-employee relations, including but not limited to wages, hours and other terms and conditions of employment.

SECTION 4. EMPLOYEE RIGHTS

Employees of the District shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations including but not limited to wages, hours and other terms and conditions of employment. Employees of the District also shall have the right to refuse to join or participate in the activities of employee organizations and shall have the right to represent themselves individually in their employment relations with the District. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against by the District or by any employee organization because of his exercise of these rights.

SECTION 5. DISTRICT RIGHTS

The rights of the District include, but are not limited to the exclusive right to determine the mission of its constituent departments and divisions; set standards of services; determine the procedures and standards of selection for employment and promotion; direct its employees; take disciplinary action; relieve its employees from duty because of lack of work or for other legitimate reasons; maintain the efficiency of District operations; determine the methods, means and personnel by which District operations are to be conducted; determine the content of job classifications; take all necessary actions to carry out its mission in emergencies; and exercise complete control and discretion over its organization and the technology of performing its work, provided, however, that the exercise of such District rights shall not conflict with the express provisions of a written Memorandum of Understanding between the District and a formally recognized employee organization.

SECTION 6. MEET AND CONFER IN GOOD FAITH--SCOPE

- (A) Through its representatives the District shall meet and confer in good faith with representatives of formally recognized employee organizations with majority representation rights regarding matters within the scope

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SECTION 6. MEET AND CONFER IN GOOD FAITH--SCOPE

of representation including wages, hours and other terms and conditions of employment within the appropriate unit.

- (B) The District shall not be required to meet and confer in good faith on any subject pre-empted by Federal or State law, including but not limited to the Municipal Utility District Act.

SECTION 7. CONSULTATION IN GOOD FAITH--SCOPE

All matters affecting employer-employee relations, including those that are not subject to meeting and conferring, are subject to consultation. The District, through its representatives, shall consult in good faith with representatives of all recognized employee organizations on employer-employee relations matters which affect them.

SECTION 8. ADVANCE NOTICE

Reasonable written notice shall be given to each recognized employee organization affected of any ordinance, rule, resolution or regulation directly relating to matters within the scope of representation proposed to be adopted by the Board of Directors of the District, and each shall be given the opportunity to meet with such body prior to adoption. In cases of emergency when the District determines that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the District shall provide such notice and opportunity to meet at the earliest practicable time following the adoption of such ordinance, rule, resolution or regulation.

SECTION 9. PETITION FOR RECOGNITION

There are two levels of employee organization recognition -- formal and informal. The recognition requirements of each are set forth below:

(A) FORMAL RECOGNITION--THE RIGHT TO MEET AND CONFER IN GOOD FAITH AS MAJORITY REPRESENTATIVE

An employee organization that seeks formal recognition for the purpose of meeting and conferring in good faith as the majority representative of employees in an appropriate unit shall file a petition with the General Manager containing the following information and documentation:

- (1) Name and address of the employee organization.
- (2) Names and titles of its officers.
- (3) Names of employee organization representatives who are authorized to speak on behalf of its members.
- (4) A statement that the employee organization has as one of its primary purposes, representing employees in their employment relations with the District.

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- (5) A statement whether the employee organization is a chapter or a local of or affiliated directly or indirectly in any manner with a regional or state or national or international organization, and if so, the name and address of each such regional, state or international organization.
- (6) Certified copies of the constitution and bylaws of the employee organization.
- (7) A designation of those persons, not exceeding two in number, and their addresses, to whom notice sent by regular United States mail will be deemed sufficient notice on the employee organization for any purpose.
- (8) A statement that the employee organization has no restriction on membership based on race, color, creed, sex or national origin.
- (9) The job classifications or titles of employees in the unit claimed to be appropriate and the approximate number of member employees therein.
- (10) A statement that the employee organization has in its possession, written proof dated within six months of the date upon which the petition is filed to establish that at least 30% of the employees in the unit claimed to be appropriate have designated the employee organization to represent them in their employment relations with the District. Such written proof shall be submitted for confirmation to the General Manager or to a mutually agreed upon disinterested third party.
- (11) A request that the General Manager recognize the employee organization as the majority representative of the employees in the unit claimed to be appropriate for the purpose of meeting and conferring in good faith on all matters within the scope of representation.

(B) INFORMAL RECOGNITION--THE RIGHT TO CONSULT IN GOOD FAITH

An employee organization that seeks recognition for purposes of consultation in good faith shall file a petition with the General Manager containing the following information and documentation:

- (1) All of the information enumerated in (A) (1) through (8) of this Section, inclusive.
- (2) A statement that the employee organization has in its possession, written proof dated within six months of the date upon which the petition is filed, to establish that a specified number of employees have designated the employee organization to represent them in their employment relations with the District. Such written proof shall be submitted for confirmation to the General Manager or to a mutually agreed upon disinterested third party.
- (3) A request that the General Manager recognize the employee organization for the purpose of consultation in good faith.

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- (C) The petition, including all accompanying documents, shall be verified in affidavit form or by declaration under penalty of perjury by the Executive Officer and Secretary of the organization that the statements are true. All changes in such information shall be filed forthwith in like manner.
- (D) The General Manager shall grant recognition in writing to all employee organizations who have complied with either Sections 9(A) or (B) and in addition, Section 9(C) for purposes of consultation in good faith for its members. Employee organizations seeking formal recognition as majority representative must, in addition, establish to the satisfaction of the General Manager that it represents the majority of the employees in the manner prescribed in Section 11(A) below. No employee may be represented by more than one recognized employee organization for the purposes of this Resolution.

SECTION 10. APPROPRIATE UNIT

- (A) The General Manager, after reviewing the petition filed by an employee organization seeking formal recognition as majority representative, shall determine whether the proposed unit is an appropriate unit. The principal criterion in making this determination is whether there is a community of interest among such employees. The following factors among others are to be considered in making such determination:
- (1) Which unit will assure employees the fullest freedom in the exercise of rights set forth under this Resolution.
 - (2) The history of employee relations (i) in the unit; (ii) among other employees of the District, and (iii) in similar public employment.
 - (3) The effect of the unit on the efficient operation of the District and sound employer-employee relations.
 - (4) The extent to which employees have common skills, working conditions, job duties or similar educational requirements.
 - (5) The effect on the existing classification structure of dividing a single classification among two or more units.

Provided, however, no unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized.

- (B) In the establishment of appropriate units, (1) professional employees shall not be denied the right to be represented separately from non-professional employees, and (2) management, supervisory and confidential employees who are included in the same unit with non-management, non-supervisory or non-confidential employees may not represent such employees on matters within the scope of representation.

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SECTION 11. REPRESENTATION PROCEEDINGS

(A) FORMAL RECOGNITION AS THE MAJORITY REPRESENTATIVE IN AN APPROPRIATE UNIT

- (1) An employee organization that seeks formal recognition as the majority representative in an appropriate unit shall file a Petition for Recognition as required by Section 9(A) of the Resolution. Upon receipt of the Petition for Recognition the General Manager shall determine whether (i) there has been compliance with the requirements of the Petition for Recognition, and (ii) the proposed unit is an appropriate unit. If an affirmative determination is made by the General Manager on the foregoing two matters, he shall give notice of such request for formal recognition to the employees in the unit and shall take no action on said request for 15 working days thereafter; if either of the foregoing matters are not affirmatively determined the General Manager shall inform the employee organization of the reasons therefor in writing.
- (2) Within 15 working days of the date notice to employees is given, any other employee organization (hereinafter referred to as the "challenging organization") may seek formal recognition in an overlapping unit by filing a Petition for Recognition, provided, however, such challenging organization must submit written proof that it represents at least 30% of the employees in such unit. The General Manager shall hold a hearing on such overlapping Petitions, at which time all affected employee organizations shall be heard. Thereafter the General Manager shall determine the appropriate unit or units as between such proposed overlapping units in accordance with the criteria set forth in Section 10 of the Resolution.
- (3) If the written proof submitted by the employee organization in the unit found to be appropriate establishes that it represents more than 50% of the employees in such unit, the General Manager may in his discretion grant formal recognition to such employee organization without a secret ballot election.
- (4) When an employee organization in the unit found to be appropriate submits written proof that it represents at least 30% of the employees in such unit and it does not qualify for or has not been granted recognition pursuant to Sub-Section 3 above, the General Manager shall arrange for a secret ballot election to be conducted by the California State Conciliation Service, the American Arbitration Association or some agreed upon third party. All challenging organizations who have submitted written proof that they represent at least 10% of the employees in the unit found to be appropriate, and have submitted a Petition for Recognition as required by Section 9 of the Resolution, shall be included on the ballot. The choice of

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"no organization" shall also be included on the ballot. Employees eligible to vote in such election shall be those persons with permanent civil service status and those persons with temporary construction appointments of more than six months employed within the unit who were employed during the pay period immediately prior to the date which is 15 days before the election, including those who did not work during such period because of illness, vacation or authorized paid leave and who are employed by the District in the same unit on the date of the election. An employee organization shall be granted formal recognition following an election or runoff election if a majority of those casting valid ballots in the election choose the organization and a majority of the eligible employees in the unit vote in the election. In an election involving three or more choices where none of the choices receives a majority of the valid votes cast, a runoff election shall be conducted between the two choices receiving the largest number of valid votes cast. The rules governing an initial election also shall apply to a runoff election.

- (5) There shall be no more than one valid election in a 12-month period within the same unit, except for runoff elections.

(B) DECERTIFICATION OF ESTABLISHED UNIT

- (1) A Petition for Decertification alleging that an employee organization granted formal recognition is no longer the majority representative of the employees in an appropriate unit may be filed with the General Manager only during the months of October or November of each year following the first full year of formal recognition (e. g., for an employee organization granted formal recognition between December 1-1968 and September 30-1969 a Petition for Decertification could not be filed until October, 1970). The Petition for Decertification may be filed by an employee, a group of employees or their representatives, or an employee organization. The Petition for Decertification, including all accompanying documents, shall be verified in affidavit form or by declaration under penalty of perjury by the person signing it that its contents are true. The Petition for Decertification shall contain the following information:

- (i) The name, address and telephone number of the petitioner and a designated representative authorized to receive notices or requests for further information.
- (ii) The name of the formally recognized employee organization.
- (iii) An allegation that the formally recognized employee organization no longer represents a majority of the employees in the appropriate unit and any other relevant and material facts.

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(iv) Written proof that at least 30% of the employees in the unit do not desire to be represented by the formally recognized employee organization. Such written proof shall be dated within six months of the date upon which the petition is filed and shall be submitted for confirmation to the General Manager or to a mutually agreed upon disinterested third party.

(2) The General Manager shall arrange for a secret ballot election to determine if the formally recognized employee organization shall retain its recognition rights. Such election shall be conducted by the California State Conciliation Service, the American Arbitration Association, or some agreed upon third party. The formally recognized employee organization shall be decertified if a majority of those casting valid ballots in the election vote for decertification and a majority of the eligible employees in the unit vote in the election.

(3) There shall be no more than one valid decertification election in the same unit in any 12-month period.

(C) MODIFICATION OF ESTABLISHED UNIT

A Petition for Modification of an established unit may be filed with the General Manager by an employee organization only during the months of October or November of each year following the first full year of formal recognition. The Petition for Modification shall contain all of the information set forth in Section 9(A) of the Resolution, along with a statement of all relevant facts in support of the proposed modified unit. The Petition for Modification shall be accompanied by written proof that at least 50% of the employees within the proposed modified unit have designated the employee organization to represent them in their employment relations with the District; provided, however, the employee organization may request that such written proof be submitted to a mutually agreed upon disinterested third party. The General Manager shall hold a hearing on the Petition for Modification at which time all affected employee organizations shall be heard. Thereafter the General Manager shall determine the appropriate unit or units as between the existing unit and the proposed modified unit. If the General Manager determines that the proposed modified unit is the appropriate unit, then he shall follow the procedures set forth in Section 11(A) for determining formal recognition rights in such unit.

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(D) DURATION OF FORMAL RECOGNITION

When an employee organization has been formally recognized, such recognition shall remain in effect for not less than one year from the date thereof and thereafter until such time as the General Manager shall determine on the basis of a secret ballot election conducted in accordance with the foregoing rules that the formally recognized employee organization no longer represents a majority of the employees in the appropriate unit or until such time as the unit may be modified as provided in Sub-Section (C).

(E) COST OF ELECTION PROCEEDINGS

The cost of any election proceedings shall be borne 50% by the District and 50% by the employee organization or organizations whose name(s) appear on the ballot. The charge for election proceedings may include the cost of all materials used and the time of all District employees assigned to work on the election. The estimated cost of the election proceedings shall be determined by the General Manager and the employee organization's share shall be deposited with him as a condition precedent to holding the election.

(F) IMPASSES IN REPRESENTATION PROCEEDINGS

Any unresolved complaint by an affected employee organization, advanced in good faith, concerning a decision of the General Manager made pursuant to Sub-Sections (A), (B), (C) or (D) above shall be processed in accordance with the procedures set forth in Section 14 of the Resolution. Provided, however, the written request for an impasse meeting, as described in Section 14, must be filed with the General Manager or the Secretary of the District within seven days after the affected employee organization first receives notice of the decision upon which its complaint is based, or its complaint will be considered closed and not subject to the impasse procedures or to any other appeal.

(G) CLASSIFICATION CHANGES

When classification changes are made under District Civil Service Rules by creation, deletion, or revision of classes (which changes do or may affect established units), the General Manager shall make a determination as to which, if any, established appropriate unit the new or changed classification should be allocated. The determination shall include, among other things, a review of the particular classification change and its relation to other District classifications; and shall be guided by the criteria set forth in Section 10 entitled "Appropriate Unit"; provided,

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however, that no determination shall affect established units where there is a change in class or job title which does not result in a major change in job duties and responsibilities.

Notice of the General Manager's determination shall be given to affected employee organizations, if any, and no action shall be taken for fifteen working days thereafter. If objection to said determination is filed by an employee organization within fifteen working days of the date notice has been given, the General Manager shall hold a hearing within five working days on such an objection, at which time all affected employee organizations shall be heard. Thereafter, within five working days the General Manager shall determine the allocation of the new or changed classification. Notice of the General Manager's determination shall be subject to the impasse provisions of Paragraph (F) above.

SECTION 12. RECOGNITION OF EMPLOYEE ORGANIZATIONS AS MAJORITY REPRESENTATIVE--FORMAL RECOGNITION

(A) The General Manager shall determine the majority representative of District employees in an appropriate unit in accordance with the procedures set forth in Section 11. The employee organization found to represent a majority of the employees in an appropriate unit shall be granted formal recognition and is the only employee organization entitled to meet and confer in good faith on matters within the scope of representation for employees in such unit. This shall not preclude other recognized employee organizations or individual employees from consulting with management representatives on employer-employee relations matters of concern to them.

(B) The recognition rights of the majority representative designated in accordance with this Section shall not be subject to challenge for a period of not less than 12 months following the date of such recognition.

SECTION 13. DESIGNATION OF GENERAL MANAGER AS EMPLOYEE RELATIONS OFFICER

The General Manager shall be the District's principal representative in all matters of employer-employee relations, with authority to meet and confer in good faith on matters within the scope of representation, including wages, hours and other terms and conditions of employment. The General Manager so designated is authorized to delegate these duties and responsibilities.

SECTION 14. RESOLUTION OF IMPASSES

Impasse procedures may be invoked only after the possibility of settlement by direct discussion has been exhausted. The impasse procedures are as follows:

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SECTION 14. RESOLUTION OF IMPASSES -contd.

- (A) MEDIATION (OR CONCILIATION) Defined in Section 3(O).
All mediation proceedings shall be private. The mediator shall make no public recommendations nor take any public position concerning the issues.
- (B) A DETERMINATION BY THE BOARD OF DIRECTORS after a hearing on the merits of the dispute.
- (C) Any other dispute-resolving procedure to which the parties mutually agree or which the Board of Directors may order.

Any party may initiate the impasse procedure by filing with the other party (or parties) affected a written request for an impasse meeting together with a statement of its position on all disputed issues. An impasse meeting shall then be scheduled by the General Manager forthwith after the date of filing of the written request for such meeting, with written notice to all affected parties. The purpose of such impasse meeting is twofold: (1) to permit a review of the position of all parties in a final effort to reach agreement on the disputed issues, and (2) if agreement is not concluded to mutually select the specific impasse procedure to which the dispute shall be submitted, in the absence of agreement between the parties on this point, the matter shall be referred to the Board of Directors.

The fees and expenses, if any, of mediators or of any other impasse procedure shall be payable one-half by the District and one-half by the employee organization or employee organizations.

SECTION 15. GRIEVANCES

A grievance is any dispute concerning the interpretation or application of this Resolution or of rules or regulations governing personnel practices or working conditions or of the practical consequences of a District rights decision on wages, hours and other terms and conditions of employment.

SECTION 16. DUES CHECK-OFF*

Only a formally recognized employee organization (i. e., the majority of representatives of employees in an appropriate unit) may be granted permission by the General Manager to have the regular dues of its members deducted from their paychecks, in accordance with procedures prescribed by the General Manager. Provided, however, this shall not preclude the continuation of dues check-off heretofore granted to any employee organization that complies with the provisions of this Resolution.

*Changed by Resolution #25446 effective 11/10/70

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Dues deduction shall be for a specified amount, as certified, and made only upon the voluntary written authorization of the member. Dues deduction authorization may be cancelled and the dues check-off payroll discontinued at any time by the member upon voluntary written notice to the General Manager, provided, however, that the member authorizing dues deduction may voluntarily waive the right of cancellation for a period not to exceed one year. Dues deduction authorization or cancellation shall be made upon cards provided by the General Manager. Dues deduction may be continued only upon voluntary written authorization of the member until revoked in writing. Employee payroll deduction authorization shall be in uniform amounts for dues deductions.

The employee's earnings must be regularly sufficient after other legal and required deductions are made to cover the amount of the dues check-off authorized. When a member in good standing of the formally recognized employee organization is in a non-pay status of an entire pay period, no dues withholding will be made to cover that pay period from future earnings nor will the member be permitted to deposit the amount with the District which would have been withheld if the member had been in a pay status during that period. In the case of an employee who is in a non-pay status during only a part of the pay period and the salary is not sufficient to cover the full withholding, no deduction shall be made. In this connection, all other legal and required deductions have priority over employee organization dues.

Dues withheld by the District shall be transmitted to the officer designated in writing by the employee organization as the person authorized to receive such funds, at the address specified.

All employee organizations which receive dues check-off shall indemnify, defend and hold the District harmless against any claims made and against any suit instituted against the District on account of check-off of employee organization dues. In addition, all such employee organizations shall refund to the District any amounts paid to it in error upon presentation of supporting evidence.

SECTION 17. MEMORANDUM OF UNDERSTANDING

When the meeting and conferring process is concluded between the District and a formally recognized employee organization representing a majority of the employees in an appropriate unit, all agreed upon matters shall be incorporated in a written Memorandum of Understanding signed by the duly authorized District and majority representatives. As to those matters within the authority of the Board of Directors, the Memorandum of Understanding shall be submitted to the Board of Directors for determination.

EMPLOYER-EMPLOYEE RELATIONS POLICY

**A RESOLUTION OF THE
EAST BAY MUNICIPAL UTILITY DISTRICT
PERTAINING TO EMPLOYER-EMPLOYEE RELATIONS**

NUMBER 1
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SECTION 18. PEACEFUL PERFORMANCE OF DISTRICT SERVICES

Participation by an employee in a strike or work stoppage is unlawful and shall subject the employee to disciplinary action, up to and including discharge.

No employee organization, its representatives or members shall engage in, cause, instigate, encourage or condone a strike or work stoppage of any kind.

If a recognized employee organization, its representatives or members engage in, cause, instigate, encourage or condone a strike or a work stoppage of any kind, in addition to any other lawful remedies or disciplinary actions the General Manager may suspend or revoke the recognition granted to such employee organization; may suspend or cancel any or all payroll deductions payable to such organization, and prohibit the use of bulletin boards; prohibit the use of District facilities and prohibit access to former work of duty stations by such organization.

As used in this Section, "strike or work stoppage" means the concerted failure to report for duty, the willful absence from one's position, the stoppage of work or the abstinence in whole or in part from the full and faithful performance of the duties of employment for the purpose of inducing, influencing or coercing a change in the conditions of compensation or the rights, privileges or obligations of employment.

Subject to the provisions of Chapter 4, Article 4 of the Municipal Utility District Act, any decision of the General Manager made under the provisions of this Section may be appealed to the Board of Directors by filing a written Notice of Appeal with the General Manager or the Secretary of the District, accompanied by a complete statement setting forth all of the grounds upon which the appeal is based. Such Notice of Appeal must be filed within seven days after the affected employee organization first receives notice of the decision upon which its complaint is based, or its complaint will be considered closed and not subject to any other appeal.

SECTION 19. RULES AND REGULATIONS

The General Manager may adopt such rules and regulations necessary or convenient to implement the provisions of this Resolution and Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Section 3500, et seq.)

SECTION 20. CONSTRUCTION

- (A) Nothing contained in this Resolution shall be construed to deny any person or employee the rights granted by Federal and State laws.
- (B) The rights, powers and authority of the District and the General Manager, as set forth in the Municipal Utility District Act, shall not be modified or restricted by this Resolution.

EMPLOYER-EMPLOYEE RELATIONS POLICY

NUMBER 1

A RESOLUTION OF THE
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SECTION 20. CONSTRUCTION -contd.

- (C) The provisions of this Resolution are not intended to conflict with, nor shall they be construed in a manner inconsistent with the provisions of Chapter 10, Division 4, Title 1 of the Government Code of the State of California (Sections 3500, et seq.) as amended in 1968, or the Municipal Utility District Act.
- (D) The enactment of this Resolution shall not be construed as making the provisions of Section 923 of the California Labor Code applicable to employees of the District.

SECTION 21. SEPARABILITY

If any provision of this Resolution or the application of such provision to any person or circumstance shall be held invalid, the remainder of this Resolution or the application of such provisions to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.